

**HENRY C. QUERY, JR.**

Patent Attorney At Law

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TO:	FROM:
Office of Petitions	Henry C. Query, Jr.
COMPANY:	DATE:
Commissioner for Patents	November 21, 2007
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
571-273-8300	10
SUBJECT:	
U.S. Patent Application No.: 10/554,040	
International Application No.: PCT/EP2004/004527	
I.A. Filing Date: 20 April 2004	
First Named Inventor: Le Devehat	
Attorney Docket No.: FMCE-P138	

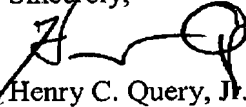
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Dear Sir or Madam:

Enclosed in connection with the above-referenced application are the following:

- 1) a Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 CFR 1.137(b);
- 2) a Credit Card Payment Form in the amount of \$1,540.00 in payment of the petition fee required under 37 CFR 1.17(m);
- 3) a Response to Notification of Missing Requirements Under 35 U.S.C. 371;
- 4) a Credit Card Payment Form in the amount of \$130.00 in payment of the surcharge required under 37 CFR 1.492(h); and
- 5) an executed Declaration of the inventors.

Sincerely,

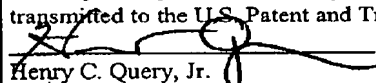


Henry C. Query, Jr.

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11/27/2007 GFREY1

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130.00 **Certificate of Facsimile Transmission Under 37 CFR 1.8**  
 I hereby certify that this correspondence, consisting of 10 total pages, is being facsimile transmitted to the U.S. Patent and Trademark Office on November 21, 2007.  
  
 Henry C. Query, Jr.

504 S. Pierce Avenue, Wheaton, IL 60187 Phone: (630) 260-8093 Fax: (630) 260-8076

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<p align="center"><b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b></p>	<p>U.S. Application No. 10/554,040</p>
	<p>International Application No.: PCT/EP2004/004527</p>
	<p>I.A. Filing Date: 20 April 2004</p>
	<p>First Named Inventor: Le Devehat</p>
	<p>Attorney's File No.: FMCE-P138</p>

Date: November 21, 2007

To: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: 571-273-8300

From: Henry C. Query, Jr.  
504 S. Pierce Avenue  
Wheaton, IL 60187, U.S.A.  
Telephone: 630-260-8093

Dear Sir or Madam:

Applicant hereby petitions the Commissioner pursuant to 37 CFR 1.137(b) for revival of the instant application.

The above-identified application became abandoned due to applicant's purported failure to file a timely reply to the Notification of Missing Requirements Under 35 U.S.C. 371 dated July 24, 2006 (the "Notification"). The Notification set a period of reply of two (2) months from the date of the Notification or thirty-two (32) months from the priority date, whichever is later. Accordingly, the date of abandonment of the instant application is September 25, 2006.

Enclosed in this regard is a Credit Card Payment Form in the amount of \$1,540.00 in payment of the petition fee required under 37 CFR 1.17(m).

Also enclosed is a Response to Notification of Missing Requirements Under 35 U.S.C. 371, which is responsive to the Notification, and an additional Credit Card Payment Form in the amount of \$130.00 in payment of the surcharge required under 37 CFR 1.492(h).

Since this utility patent application was filed on or after June 8, 1995, no terminal disclaimer is required.

In further support of this Petition, the undersigned states as follows:

1. The Notification required that applicant submit a Declaration of the inventors executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
2. On September 25, 2006 (September 24, 2006 being a Sunday), applicant filed a Response to Notification of Missing Requirements Under 35 U.S.C. 371 (the "Original Response") enclosing a duly executed Declaration and a Credit Card Payment Form in the amount of \$130.00 in payment of the surcharge required under 37 CFR 1.492(h). The Original Response was filed using the "Express Mail Post Office to Addressee" service of the U. S. Postal Service and was accompanied by a Certification of Mailing under 37 CFR 1.10.

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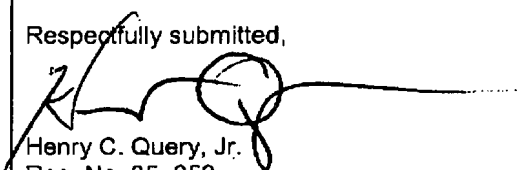
NOV 21 2007

3. On April 2, 2007 the Patent Office issued a Notification of Abandonment in this application. The reasons for the abandonment were stated simply as "[m]issing executed declaration."
4. In light of this short statement of the reasons for abandonment, the undersigned assumed that the Patent Office never received the Original Response. Accordingly, on April 26, 2007, applicant filed a Petition to Withdraw Holding of Abandonment (the "Petition"). The Petition was filed pursuant to 37 CFR 1.10(e) on the basis that the Patent Office never received applicant's Original Response. The Petition was accompanied by true and correct copies of the Original Response and its associated "Express Mail" mailing label.
5. On October 24, 2007 the Patent Office issued a Decision on Petition Under 37 CFR 1.10(e) (the "Decision") dismissing the Petition. The Decision noted that 37 CFR 1.10(e) applies only in those situations in which the correspondence at issue was lost *in toto* and concluded that this rule did not apply in the instant case because the Patent Office did receive payment of the \$130.00 surcharge which applicant filed with the Original Response.
6. On October 29, 2007 the undersigned telephoned Attorney Advisor Erin P. Thomson of the PCT Legal Administration, the author of the Decision. Ms. Thomson stated that the PTO's electronic file for the instant application contained an entry for the \$130.00 surcharge payment but otherwise did not contain any record of the Original Response.
7. The undersigned therefore was unaware that the Original Response was not lost *in toto* until October 29, 2007, or at least upon receipt of the Decision shortly after October 24, 2007.

Therefore, the entire delay in filing the enclosed Response to Notification of Missing Requirements Under 35 U.S.C. 371 from its due date until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Accordingly, applicant respectfully requests that the Commissioner grant this petition and revive the instant application.

Respectfully submitted,



Henry C. Query, Jr.  
Reg. No. 35, 650  
Attorney for Applicant

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<b>RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371</b>	U.S. Application No. 10/554,040
	International Application No.: PCT/EP2004/004527
	I.A. Filing Date: 20 April 2004
	First Named Inventor: Le Devehat
	Attorney's File No.: FMCE-P138

Date: November 21, 2007

To: Mall Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

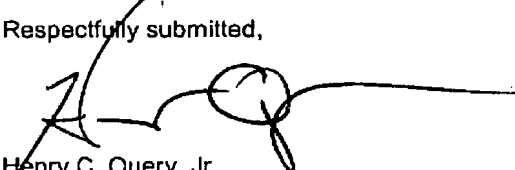
From: Henry C. Query, Jr.  
504 S. Pierce Avenue  
Wheaton, IL 60187, U.S.A.  
Phone: 630-260-8093

Dear Sir or Madam:

In response to the Notification of Missing Requirements which was mailed on July 24, 2006, a copy of which is enclosed, enclosed is a signed Declaration of the inventor. Also enclosed is a Credit Card Payment Form (Form PTO 2038) in the amount of \$130.00 in payment of the surcharge required under 37 CFR 1.492(h).

This Response is being filed together with a Petition for Revival of an Application Abandoned Unintentionally Under 37 CFR 1.137(b).

Respectfully submitted,

  
Henry C. Query, Jr.  
Reg. No. 35,650  
Attorney for Applicants

**Certification under 37 CFR 1.10 (If applicable)**

Express Mail mailing number	Date of Deposit
I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Signature of person mailing correspondence	Typed or printed name of person mailing correspondence

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/554,040	Renaud Le Devehat	FMCE-P138
INTERNATIONAL APPLICATION NO.		
PCT/EP04/04527		
LA. FILING DATE	PRIORITY DATE	
04/20/2004	04/23/2003	

Henry C Query Jr  
504 S Pierce Avenue  
Wheaton, IL 60187

**CONFIRMATION NO. 8306**

**371 FORMALITIES LETTER**

\*OC000000019725991\*

Date Mailed: 07/24/2006

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/21/2005
- Copy of the International Search Report filed on 10/21/2005
- Copy of IPE Report filed on 10/21/2005
- Preliminary Amendments filed on 10/21/2005
- Oath or Declaration filed on 10/21/2005
- Request for Immediate Examination filed on 10/21/2005
- U.S. Basic National Fees filed on 10/21/2005
- Priority Documents filed on 10/21/2005
- Specification filed on 10/21/2005
- Claims filed on 10/21/2005
- Abstracts filed on 10/21/2005
- Drawings filed on 10/21/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the

missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204


**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/554,040	PCT/EP04/04527	FMCE-P138

FORM PCT/DO/EO/905 (371 Formalities Notice)

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<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)	Attorney Docket Number		FMCE-P138
	First Named Inventor		
	COMPLETE IF KNOWN		
	U.S. App.#	10/554,040	
	Int'l App.#	PCT/EP04/04527	
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing	OR	<input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	I.A. Filing Date: 04/20/2004
			Priority Date: 04/23/2003

As a below named inventor, I hereby declare that:

My residence, mailing address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Discharge Arm Assembly with Guiding Cable

(Title of the invention)

the specification of which

☐ Is attached hereto

OR

☒ was filed on (MM/DD/YYYY) April 20, 2004 as United States Application Number or PCT International

Application Number PCT/EP04/004527 and was amended on (MM/DD/YYYY)                      (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?
				YES NO
0304999	FR	23/04/2003	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	
		<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto

Based on PTO/SB/01 (10-00)


[Page 1 of 2]

HENRY C. QUERY, JR.

Patent Attorney At Law

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NOV 21 2007

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## DECLARATION – Utility or Design Patent Application

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

Name	Registration Number	Name	Registration Number
Henry C. Query, Jr.	35,650		

Direct all correspondence to: ☐ Customer Number or Bar Code Label ☐ OR ☒ Correspondence address below

Name Henry C. Query, Jr.

Address 504 S. Pierce Ave.

Address

City Wheaton

State IL

ZIP 60187

Country U.S.A.

Telephone 630-260-8093

Fax 630-260-8093

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any))

Renaud

Family Name

or Surname

LE DEVEHAT

Inventor's

Signature

RENAUD LE DEVEHAT

Date July 9, 2004

Residence: City Thorigny-Sur-Oreuse

State

Country France

Citizenship French

Mailing Address 1, route de Vaillères, Ancienne Gare, Fleurigny.

Mailing Address

City Thorigny-Sur-Oreuse

State

ZIP 89260

Country France

NAME OF SECOND INVENTOR:

☐ A petition has been filed for this unsigned inventor

Given Name

(first and middle (if any))

Family Name

or Surname

Inventor's

Signature

Date

Residence: City

State

Country

Citizenship

Mailing Address

Mailing Address

City

State

ZIP

Country

☐ Additional inventors are being named on the Supplemental Additional Inventor(s) sheet(s) PTO/SB/D2A attached hereto.

[Page 2 of 2]

HENRY C. QUERY, JR.

Patent Attorney At Law